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Official Records

19th meeting
Monday, 5 August 2002, 3 p.m.
New York

President: Mr. Han Seung-soo ..... (Republic of Korea)

In the absence of the President, Mr. Ouch (Cambodia), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 5 (*continued*)

Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Report of the Secretary-General (A/ES-10/186)

Draft resolution (A/ES-10/L.10)

Mr. Goussous (Jordan) (*spoke in Arabic*): I should like to thank the President for his cooperation with respect to this emergency special session of the General Assembly, which has been convened to consider the report of the Secretary-General prepared in pursuance of General Assembly resolution ES-10/10, concerning events in the Jenin camp and in other Palestinian towns.

I would also like to express my appreciation to the Secretary-General for his efforts in preparing this report, particularly bearing in mind that he prepared it under difficult circumstances, following the Israeli Government's refusal to receive the fact-finding mission established pursuant to Security Council resolution 1405 (2002), thus preventing us from knowing what really happened in Jenin and other Palestinian cities.

After thoroughly examining the Secretary-General's report, the Jordanian Government would like to offer the following remarks. This report was not prepared on site because of Israel's arrogant refusal to permit the international community, represented by the United Nations, to ascertain the truth concerning Israel's reoccupation of Palestinian territory and its impact on the Palestinian people. In that context, we endorse the Secretary-General's expressed conviction that Israel had rejected Security Council resolution 1405 (2002) and had refused to provide the Secretary-General with the information needed to prepare the report, thus preventing the preparation of a full and complete report on the occupation of Jenin and other Palestinian cities.

We also wish to confirm another element in the Secretary-General's report: the Palestinian territories are occupied territories to which the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, applies. Israel must meet its obligations under that Convention and must treat residents as protected civilians who should not be deliberately killed, tortured, taken hostage or subjected to any form of humiliating treatment. The Secretary-General's report affirms that Israel has obligations not to engage in collective punishment or to appropriate or destroy Palestinian property in the occupied territories.

In the course of its military occupation during the period covered by the report, Israel committed grave violations of international humanitarian law, including violations of the Fourth Geneva Convention and of the

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Hague Convention of 1907. Among those violations was the massacre of protected persons under the Fourth Geneva Convention through the massacre of 497 Palestinians between 1 March and 7 May 2002, the majority being defenceless civilians. The Israeli Government has engaged in collective punishment against persons protected by the Convention through arbitrary arrests, the closure of Palestinian towns and villages and the imposition of curfews in those areas, as well as through cutting off water, electricity and telephone communication and the destruction of Palestinian infrastructure and the Palestinian economy.

Such treatment of protected persons and the destruction of historical and religious sites were not a military necessity. They constituted collective punishment, reflected in Israel's unjustified use of force in the occupied Palestinian territories, which led to the massacre of protected persons and to the destruction of their property and of civilian facilities. Following the destruction of their homes in Jenin and other camps, Palestinian refugees no longer have refuge.

We wish to reaffirm the Secretary-General's statement to the Security Council that responding to terrorism does not give Israel a blank cheque to violate international humanitarian law and human rights or to create a humanitarian crisis in the occupied Palestinian territories. In that context, the Jordanian Government wishes clearly to state its position with regard to acts of terrorism and the massacre of civilians, regardless of the party committing such acts.

The report shows that Israel's violation of international law, human rights and its commitments under the Fourth Geneva Convention, through military operations during the period covered by the report, have occurred so repeatedly that they cannot be considered isolated events, as they have been and are committed by the Israeli military in occupied Palestinian territory. Be it the invasion of towns or the massacre of Palestinian civilians, those acts reflect an Israeli Government policy that seriously violates relevant international law.

Given these facts, my delegation wishes to state, first, that it is necessary for the international community, through the United Nations, to protect the Palestinian people from Israeli military aggression. That people is entitled to such protection under international humanitarian law and the Fourth Geneva Convention. Several months ago the Secretary-General called for a multinational force to be sent to the occupied Palestinian territory, pursuant to Chapter VII of the Charter. That would enable the international community to assume its responsibilities to protect the Palestinian people.

Secondly, the High Contracting Parties of the Fourth Geneva Convention must assume their responsibilities under the Convention, must take practical measures to put an end to the grave Israeli violations of that Convention and must punish those responsible for those violations.

Finally, my delegation reiterates the call made in the Secretary-General's report to the international community to assume its urgent responsibilities and to make every effort to achieve a lasting and peaceful solution to the Palestinian conflict, because this is a principal factor in the search for a comprehensive, just and lasting solution in the Middle East, in accordance with Security Council resolutions 242 (1967) and 338 (1973), and with a view to implementing Security Council resolution 1397 (2001), in order to establish two States, Israel and Palestine, living side by side in the region within secure and recognized borders.

Mr. Djumala (Indonesia): Allow me to begin by expressing my delegation's appreciation to the Secretary-General for his report (A/ES-10/186) prepared pursuant to General Assembly resolution ES-10/10 of 7 May 2002. However, it is regrettable to note that, because of Israel's refusal to cooperate with the efforts of the Secretary-General, the report before us is not based on a field visit to Jenin, as had been previously anticipated. We therefore continue to denounce Israel's refusal to offer the required cooperation in this investigation and its failure to respond to requests for information.

It is astonishing, but not really surprising, that, according to this report, only 52 Palestinians were killed during Israel's blatant demonstration of aggression in Jenin and other Palestinian cities and its senseless and indiscriminate rampage through the homes of already-deprived and suffering Palestinians. That is not surprising, because no authoritative determination of the facts has really taken place. As a result of that situation, it is inconceivable that this report can be considered the end of the investigation.

The full facts are still not known, but they must be determined. In view of these circumstances, therefore, and in the interests of truth and justice, we

demand that pressure be maintained on Israel to grant access to a United Nations fact-finding mission so that we can get the full story of what really happened in Jenin. Peace is not possible without justice, and justice is not possible without the truth. Only a uniform standard of objectivity and full accountability with regard to every issue on the United Nations agenda will be good enough.

In this regard, my delegation would like to reiterate its belief that the Palestinian people are entitled to be free of the brutal occupation by Israel and have the right to a viable independent State. It is important to stress that the occupying Power should not be permitted to continue to enjoy the luxury of ignoring the fundamental rights of the Palestinian people and the resolutions of the Security Council and the General Assembly. The repeated forays of killing and destruction in recent months are an affront not only to the Palestinians but also to the international community; this systematic violence must end.

Finally, while reiterating its dissatisfaction with the report, my delegation wishes to see true peace between Palestine and Israel take root. To that end, we reiterate our support for the Palestinian cause. Indeed, every peace effort should be conducted within the framework of Security Council resolutions 242 (1967) and 338 (1973) and in accordance with the principle of land for peace.

Mr. Zainuddin (Malaysia): My delegation would like to express its appreciation to the President of the General Assembly for having reconvened the tenth emergency special session at the request of the Chairman of the Arab Group, with the support of the Non-Aligned Movement, to consider the grave situation in Palestine, particularly in the light of the report of the Secretary-General (A/ES-10/186) prepared pursuant to General Assembly resolution ES-10/10.

We would like first of all to thank the Secretary-General for his report and for the efforts taken to produce it, given the limitations that prevailed as a result of the lack of cooperation from the Israeli side. We deeply regret that the report, which should have been produced by a fact-finding team dispatched to Jenin to develop accurate information by means of a thorough investigative inquiry on the ground, was obstructed by the Israeli Government, despite its claims that it had nothing to hide regarding any aspect of the Jenin operation. Israel's absolute refusal to cooperate with the investigation of the facts regarding the events in Jenin was obviously intended to conceal the truth and the real gravity of its actions, which amounted to war crimes against the Palestinian population. We believe that the findings of the report before us would have been different if the fact-finding team had been able to visit the area. As the Secretary-General admitted in paragraph 82 of his report, a full and comprehensive assessment of the events in Jenin could not be made without the full cooperation of both sides and visits to the area.

Although the report clearly falls short of a comprehensive inquiry, it paints a picture of the severity of the suffering of the Palestinian people in Jenin and throughout the occupied Palestinian territory, as well as of the atrocities against them at the hands of the occupying Power. We are deeply dismayed at, and strongly condemn, the illegal conduct of the Israeli Defence Forces during the incursions, including unlawful killings, the use of human shields, disproportionate use of force, the indiscriminate destruction of private and public property, arbitrary arrests and torture, the denial of medical treatment and the obstruction of humanitarian operations. The disproportionate use of force by the Israeli Defence Forces is apparent throughout the report. The death toll since September 2000, during which time the number of Palestinians killed has been four times greater than the number of Israelis, further confirms this. The atrocities carried out against the Palestinian people must not be allowed to go unpunished. The perpetrators of war crimes must be brought to justice.

The clear disregard of the Israeli Defence Forces for the sanctity of human life — as is evident from its resort to unlawful killings, the cowardly use of innocents as shields, its actions in preventing medical access to sick and wounded civilians among the Palestinian population, the attacks on ambulances and medical personnel, the obstruction of food deliveries and the overall hampering of humanitarian operations — is completely unacceptable. As the report indicated, the deaths of some Palestinian civilians were attributed to the unnecessary Israeli attacks on ambulances and the denial of access to humanitarian assistance. This behaviour simply does not befit a so-called humane Israeli Government which regrets the deaths of any civilians and abhors the fact that it has had to use violence.

We are gravely concerned about the continued curfews and other severe restrictions on the movement of persons and goods, as well as the heartbreaking deterioration of living conditions and the economic situation which has resulted in the dire humanitarian crisis facing the Palestinian people. We firmly believe that immediate measures must be taken to alleviate the situation in the Palestinian territories through the provision of urgently needed assistance and services to address the humanitarian needs, as well as to rebuild the Palestinian economy.

As we speak, the Palestinian population remains at risk and continues to suffer further human rights violations. It is apparent that Israeli actions have brought all aspects of the life of Palestinians to a standstill and that the Israeli Defence Forces have widely flouted international humanitarian principles and human rights standards. In this regard, Israel must be made to bow to the demands and well-established principles of international law, including international humanitarian law, and undertake its obligations as a democratic and civilized member of the international community.

Malaysia does not condone violence, particularly against innocent civilians, and is gravely concerned about the escalation of such violence and the rising death toll among civilians on both sides of this bitter conflict. Israel had been warned time and again that its violent actions and use of military force in pursuit of the elusive goal of ensuring its total security would lead to further violence and would not enhance the security of the people of Israel. It is obvious that the Hebrew University bombing and the subsequent attacks were a consequence of Israel's brutal missile attack in Gaza City, which provoked violent retaliation from Palestinian militant groups. We dread to think what else might be in store. Israel must realize that the root cause of the Palestinian militancy and anger towards Israel, which are beyond the control of the Palestinian Authority, is its occupation of Palestinian territories, its expansion of illegal settlements in the territories and its continued denial of an independent and sovereign State of Palestine, with East Jerusalem as its capital.

Israel's lack of restraint and its retaliatory actions over the past few days in Nablus, Hebron, Tulkarm and other Palestinian cities will further exacerbate the tense situation and lock both sides into a continuing cycle of violence. This in turn will prevent further efforts towards a negotiated peaceful solution — the only viable solution to the conflict. Israel must come to its senses and fully implement Security Council resolutions 1402 (2002) and 1403 (2002), and withdraw from occupied Palestinian territory to the positions held prior to September 2000, if there is to be movement towards peace.

What is immediately necessary, pending a resumption of the peace process, is to prevent the worsening situation on the ground from leading to a further conflagration of violence to the point where a return to negotiation would not be possible. In this regard, the dispatch of a United Nations or international peacekeeping or monitoring force to the occupied Palestinian territories will be crucial to prevent and contain further violence, given the deep hostility between the parties.

Malaysia continues to encourage and to support every international effort aimed at achieving a just, comprehensive and lasting solution to the conflict, based on Security Council resolutions 242 (1967) and 338 (1973). We believe that the solution lies in the realization of the vision set out in Security Council resolution 1397 (2002), in which two States, Israel and Palestine, live side by side within secure and recognized borders. Indeed, we share the Secretary-General's view that the international community has a compelling responsibility to intensify its efforts to find a peaceful and durable solution to the conflict. In that regard, Malaysia reaffirms its support for the important efforts of the "quartet", as well as those of other interested parties, and looks forward to the implementation of initiatives aimed at resuming the peace process.

Mr. Motomura (Japan): We are grateful to the President for reconvening the tenth emergency special session of the General Assembly, on this important issue.

The Government of Japan deplores the recent surge in the vicious circle of violence between the Israelis and the Palestinians. I refer in particular to the air strikes carried out by the Israeli forces on Gaza City and to the recent series of terrorist acts by Palestinian extremists at Hebrew University and near Safed and Eli, which resulted in many civilian casualties. We express our deep condolences to all the bereaved families and our heartfelt sympathy to those who have been injured.

It is particularly regrettable that those events took place at a time when the international community was making concerted efforts to bring peace to the region,

and when the prospect of resumed dialogue between the two parties was emerging. The Government of Japan once again urges both the Israelis and the Palestinians to break this cycle of violence. In particular, we urge Israel to exert maximum self-restraint in its use of force, and we urge the Palestinian Authority to make the utmost effort to suppress the acts of extremists.

The Government of Japan appreciates the work that Secretary-General Kofi Annan put into the report (A/ES-10/186) issued last week on the recent events that took place in Jenin and in other Palestinian cities. It is the product of a great effort on the part of the Secretariat and the international community, while thoroughgoing information-gathering activities — including a visit by a fact-finding team — were not possible. We consider it critical that both parties and the international community make the utmost effort to stop the violence on the ground in order to put an end to the humanitarian crisis described in the report.

The Japanese Government has been engaged in strenuous efforts to improve the situation. In June, Foreign Minister Yoriko Kawaguchi visited Israel and the Palestinian territories, and had meetings with leaders of both parties to discuss ways to achieve peace. The Japanese Government has also appointed a special envoy for Middle East issues, Ambassador Tatsuo Arima. He is now visiting Egypt and Jordan to consult on steps to be taken by the international community to improve the situation.

In order to realize the vision of two States living side by side in peace and security, affirmed by Security Council resolution 1397 (2002), all three aspects — restoring security, providing economic and humanitarian assistance and resuming the political process — should be pursued simultaneously. As part of those endeavours, one of the important tasks before the international community is to extend firm support for the reform of the Palestinian Authority. As an active member of the new international Task Force on Palestinian Reform, the Government of Japan will continue to contribute in that area.

The Task Force is now focused on seven fields of reform, with a working group formed to take charge of each field. Japan is the coordinator of a working group in the field of local government and a member of the working groups in the fields of judiciary, the rule of law and elections. Also, we will send a Government mission to the Palestinian territories next week to assess the need for reform and to further develop Japanese assistance programmes for the Palestinians that will promote Palestinian Authority reform.

The Government of Israel, for its part, should help to create an environment that facilitates reform of the Palestinian Authority. In that context, we call upon Israel to take the following steps in particular: completely withdraw its Defence Forces to the 28 September 2000 line; transfer tax revenues to the Palestinian Authority; end the closure of the Palestinian territories, which has been hindering Palestinian economic activities and the movement of humanitarian goods and services; and, finally, cease the destruction of infrastructure and social service facilities built with the assistance of donors.

The Japanese Government completely shares the belief, expressed by the Secretary-General in his report, that the international community has a responsibility to intensify its efforts to find a solution to this conflict. But at the same time, it is essential that the two parties themselves make every possible effort to achieve peace. In that connection, I would like to renew our call on the leaders of the Government of Israel and of the Palestinian Authority to take the political decisions necessary to achieve that goal.

Mr. Kim Chang Guk (Democratic People's Republic of Korea): It is more than three months since the tenth emergency special session was last adjourned, but no substantial progress has been made in the Middle East situation. Thus, it continues to be a source of increasing concern on the part of the international community.

The Israeli occupying forces very recently reoccupied Palestinian cities and other population centres, and they continue to carry out high-handed military attacks on the Palestinian National Authority, the legitimate representative of the Palestinians. As has already been reported, Israel is proceeding with plans to deport from the West Bank to the Gaza Strip relatives of Palestinians alleged to be responsible for attacks against Israel. That brutal act is a grave challenge to the peace and security of the world and a wanton violation of international law.

The delegation of the Democratic People's Republic of Korea expresses grave concern at the worsening situation in Palestine, and it strongly condemns the atrocities committed by the Israeli occupying forces against Palestinian civilians in Jenin and other Palestinian cities.

The cause of restoring the human rights of the Palestinian people and other Arab peoples, including the right to self-determination, is justifiable. However, the path ahead of them is still beset with obstacles. Israel is using armed force ever more openly, and that is related to the protection and encouragement of a certain country. Therefore, the United Nations should continue to focus its efforts on the peaceful resolution of regional disputes and on the elimination of all interference in internal affairs and of unjust pressure.

It is the view of the delegation of the Democratic People's Republic of Korea that the current session should consider ways to stop the Israeli oppression and take practical measures to defend the legitimate national rights of the Palestinian people and other Arab peoples. Israel should immediately end its barbaric military acts of aggression that destroy peace and stability in the region and violate international humanitarian law, including acts of terror against civilians; it should withdraw its occupying forces from all occupied Palestinian territory, including Jerusalem, and from the other Arab territories occupied since 1967; and it should immediately return to peace negotiations with the Palestinian side.

The delegation of the Democratic People's Republic of Korea would like to take this opportunity to express its full support for and solidarity with the Palestinian people's just cause of defending their legitimate national rights and the struggle of other Arab peoples for a fair solution of the Middle East conflict.

Mr. Mahbubani (Singapore): As we meet at this resumed emergency special session, we note with deep regret the continued terrorist activities in recent days, both the act at Hebrew University in Jerusalem last Wednesday and the bombings and shootings over the weekend, which have resulted in more deaths. Those illegal and immoral acts have once again claimed the lives of innocent civilians. Singapore continues to deplore in the strongest terms all such acts of terror and violence and the deliberate targeting of civilians. We call for an immediate cessation of such acts by both sides.

Israel has the right to exist within secure borders. The corollary is that it also has the right, and in fact the responsibility, to protect its civilians from terrorist attacks. We urge the Palestinian Authority to continue its efforts to work with Palestinian groups to halt all acts of terror against the Israeli population.

The Palestinian people, in turn, have an inalienable right to a homeland of their own. Israel must recognize this and must comply with Security Council resolutions on withdrawal from occupied territories. We also appeal to the Israeli authorities to exercise maximum restraint in their actions. In particular, the economic and humanitarian situation of the Palestinians must be fully and immediately addressed.

We regret that the Israeli Government did not allow the Secretary-General's fact-finding team to visit Jenin. It also ignored every opportunity to contribute information for the report (A/ES-10/186). We supported the sending of the fact-finding team, in whose impartiality and competence we had full confidence. In view of the many claims and counter-claims that were, and are, being made about the events at Jenin, it would have been to the Israeli Government's advantage to have the fact-finding team resolve the matter in a conclusive way. Due to its refusal to allow the team access, the report of the Secretary-General mandated by General Assembly resolution ES-10/10 has had to be compiled from secondary sources rather than from first-hand observation and investigation.

We nevertheless welcome the publication of the report, and we accept it as a balanced and conscientious attempt to clarify the events that took place. We appreciate the fact that the Secretary-General, in preparing the report, did not seek to draw conclusions beyond what the information available justified. Singapore fully supports the Secretary-General's admonition that

> "self-defence was not a blank cheque, and that responding to terrorism did not in any way free Israel from its obligations under international law". (*A/ES-10/186, para. 16*)

We are shocked at the extent of the damage that was done in March and April. According to paragraph 41 of the report, the World Bank estimates that reconstructing the Palestinian Authority's civilian infrastructure will cost about $361 million. However, we also share the Secretary-General's view contained in paragraph 42 of the report that the terrorist attacks have caused enormous suffering to the people and economy of Israel, as well as his statement in paragraph 16 that the Palestinian Authority's failure to act against terrorism will not assist it in achieving its aims. We hope that the clarifications provided by the report will help the parties move forward in their efforts to find a just and lasting peace in the Middle East.

The escalation of violence on both sides is counterproductive to the ongoing international effort to establish a just and lasting peace in the Middle East. The only way to achieve that end is through the full implementation of Security Council resolutions and through a negotiated settlement based on two States, Israel and Palestine, existing side by side, each within secure and recognized borders, as called for in Security Council resolution 1397 (2002) of 12 March 2002. We fully support the Secretary-General's recommendation in the last paragraph of his report that

> "the international community has a compelling responsibility to intensify its efforts to find a peaceful and durable solution to the Israeli-Palestinian conflict". (*para. 83*)

Accordingly, Singapore continues to support the proposals for the early convening of an international peace conference. The conference should build on existing peace agreements and the discussions among the parties, including the negotiations held at Camp David in 2000 and the subsequent discussions at Taba. It is also vital that the Secretary-General and the other members of the "quartet" remain actively engaged in this issue. Their role has been, and remains, essential to help revive what has become a stagnant peace process.

Mr. Zarif (Islamic Republic of Iran): Allow me at the outset to express my appreciation to the President for having resumed the tenth emergency special session of the General Assembly. I should also like to express my appreciation for the efforts of the Secretary-General over the past months aimed at assuaging the plight of the Palestinian people.

As this is the first time that I address the General Assembly in my new capacity as the Permanent Representative of Iran to the United Nations, I wish to assure my colleagues here of the full cooperation that I intend to extend to all delegations.

Despite its serious shortcomings, the report of the Secretary-General (A/ES-10/186) on recent events in Jenin reveals, to some extent, the crimes perpetrated by the Israeli military during its invasion of the Jenin refugee camp and other Palestinian areas in April. It does so in spite of the fact that the Israeli regime adopted an obstructionist policy from the beginning and did its utmost to block every effort by the international community to develop accurate information about what went on in the refugee camp between 3 and 18 April 2002.

The report echoes the assertion by independent human rights groups and eyewitnesses of the use by Israeli troops of civilians as human shields. It reports the effective levelling of the central Hawashin district in Jenin and much physical damage to other districts. Wider bombardment with tanks and missiles after 9 April and the use of armoured vehicles, supported by tanks, to demolish portions of the camp by the Israeli troops are also reflected in the report.

The report is also explicit in describing the acts amounting to war crimes committed by the Israelis, such as denying the dying wounded access to medical care, and civilians to basic humanitarian necessities. The report asserts that ambulances and medical personnel were prevented by the Israeli Defence Forces (IDF) from reaching the wounded within the camp. It adds that, on 4 April, the IDF ordered the Palestinian Red Crescent Society to stop its operations and sealed off a hospital. The report goes on to say that in addition of the denial of aid, in some instances the IDF targeted medical personnel. The report highlights the humanitarian crisis in the camp, which was, as it emphasizes, exacerbated by Israeli troops preventing the United Nations Relief and Works Agency for Palestine Refugees in the Near East from delivering food and medical supplies and by cutting off their electricity.

The report does in fact list many acts and instances that constitute war crimes by any definition. However, it falls short of calling them what they actually are within the parameters of international law. Undoubtedly, this and some other shortcomings of the report are attributable, more than anything else, to the Israeli policy of deceit and obstruction on the diplomatic front, which has further exacerbated Israel's bloody military campaign against innocent Palestinian civilians on the military front.

The Israelis, aware of the extent of the crimes their armed forces committed in Jenin, first tried to buy time by deceiving the United Nations into believing that they would permit an international fact-finding team to visit the area. It allowed them to arrange the scene, eliminate evidence and prepare for the next stage. As the Secretary-General clearly described in his letter (S/2002/504) to the President of the Security Council, dated 1 May 2002, the Israelis reneged on their initial formal announcement of their readiness to accept the United Nations fact-finding team, and later they flouted outright Security Council resolution 1405 (2002),

which provided for developing accurate information about recent events in Jenin.

Against that backdrop, the refusal by the Israelis to cooperate with the authors of the present report came as no surprise. The report at hand details, among other things, the Israeli pattern of non-cooperation and obstruction in the course of the report's preparation — a pattern that culminated in leaving unanswered the communications of the Under-Secretary-General. As a result, the report was written without a visit to Jenin or to the other Palestinian cities in question.

The Israeli regime should not be allowed to commit war crimes, to hold the entire United Nations system in contempt, to evade accountability or, finally, to walk away with impunity. That would undoubtedly nurture a culture of impunity and damage the international system as a whole. Moreover, while we perfectly understand the malicious reasons behind the refusal of the Israeli regime to cooperate with the fact-finding efforts of the United Nations, we do not understand why the authors of the report found themselves obliged to intersperse it with so many quotations from official Israeli propaganda.

Nor do we understand the distinction the report tried to make between the so-called militant and non-militant residents of the Jenin camp. As a matter of law and fact, when it comes to resistance to invasion and occupation, such a distinction is totally unwarranted, as everybody is entitled to the inherent right to self-defence. In fact, at a time when some invoke the right to self-defence to strike at villages halfway around the globe, how could anybody cast doubt on that right of the residents of Jenin and other Palestinian towns when an occupying army armed to the teeth invades and plunders their homes, towns and villages?

My delegation is concerned at the consequences of the process we have gone through over the past few months and hopes that the international community, represented by the United Nations, will find an effective way to rectify the situation.

Palestinian residents of the occupied territories are protected persons under the Fourth Geneva Convention, which declares that they may not be wilfully killed, tortured, taken as hostages or made to suffer humiliating or degrading treatment. Acts of collective punishment, reprisals and the destruction of the property of protected persons by the occupying Power constitute criminal offences under the terms of the Convention. For the sake of its own credibility, the United Nations should focus its attention and efforts on putting an end to such barbaric practices and on bringing the perpetrators to justice.

Mr. Atta (Egypt) (*spoke in Arabic*): Allow me at the outset to convey to the President my delegation's greetings and appreciation for reconvening the tenth emergency special session of the General Assembly to consider the illegal Israeli practices in occupied East Jerusalem and other occupied Palestinian territories.

Today, we meet again amid the tragic circumstances in the Middle East, where the suffering of the Palestinian people is augmented by occupation and its effects. The growing cycle of violence will dash all hope of achieving a just and lasting peace for all parties; it reflects the arrogance of power and a disregard for the bases of international law and human rights.

The Secretary-General's report (A/ES-10/186) on the Jenin massacre and other Israeli aggression against Palestinian cities last April very clearly reflects the bitter humanitarian and economic conditions suffered by the unarmed Palestinian people under siege by the Israeli Defence Forces, which daily implement a policy of humiliation and starvation against unarmed civilians whose only crime is their aspiration to their legitimate right to end the occupation and to live in dignity and independence within secure borders.

As we discuss the Secretary-General's report on the grave aggression of last April, we are still witnessing new waves of Israeli aggression against the Palestinian people. Yesterday, we witnessed a cycle of violence and counter-violence that will not end as long as the unlawful occupation and Israel's disregard for all international resolutions continue. We hope that today — not tomorrow — the world will force Israel to choose the path of peace for all.

My delegation appreciates the efforts of the Secretary-General in the face of all Israeli obstacles. We would like to reaffirm the following. Israel's failure to allow the international fact-finding team to carry out its task in accordance with Security Council resolution 1405 (2002) is a flagrant violation of international law and reflects serious disregard of the Fourth Geneva Convention and of the bases of international humanitarian and human rights law. Israel's attempts to conceal the war crimes committed by its armed forces against the Palestinian people, as reported by humanitarian and emergency workers and by other

eyewitnesses in Jenin, are thoroughly regrettable. The policy of collective punishment used by Israel against the Palestinian civilians recalls a lesson that the world has already learned. Those actions cannot be justified and cannot be accepted by the international community under any circumstances. Those practices and the arrogant use of power will only deepen hatred and bitterness not only among the Palestinians but also among the peoples of the region and indeed of the entire civilized world. They will create more obstacles for the efforts to achieve peace.

Despite the descriptive nature of the report, due to Israel's attempts to create obstacles, Israel cannot hide the criminal and barbaric actions it committed against unarmed civilians. Egypt calls upon the international community — and the entire world — to shoulder its responsibility to address the deteriorating humanitarian situation in the occupied Palestinian territories. It should make every effort to stop the Israeli aggression against unarmed Palestinians.

Finally, every effort should be made by all peace-loving nations towards the creation of two nations: a viable, independent State of Palestine living side by side with Israel. That is the only way to ensure peace and security for all peoples of the region. The violence must stop, and the parties must return to the negotiating table. All efforts towards achieving that objective are to be admired and appreciated.

We should call a spade a spade. We should call the aggressor unjust. We should look for the root causes of the continued conflict. We should not turn away from reality. The actions committed by Israel since September 2000, including killing and collective punishment, should be halted immediately.

Negotiations should continue in accordance with Security Council resolutions 242 (1967) and 338 (1973) and with international legitimacy, in order to bring about lasting peace and security for all the peoples of the region.

Mr. Sun Joun-yung (Republic of Korea): We are gathered here today to consider the recent report of the Secretary-General and to discuss the current situation in the Middle East. My delegation believes that the report would have been more comprehensive had the Secretary-General's fact-finding team been dispatched, an initiative that was welcomed in Security Council resolution 1405 (2002). We have taken note of the report, which, in accordance with the resolution adopted by the General Assembly on 7 May 2002, gives an account of the situation.

As we discuss the situation in the Middle East, the outlook in the region remains of grave concern to the international community. Military actions and terrorist attacks continue to cause severe casualties and deep suffering among the civilian population, as reflected in the event that took place over the weekend in Nablus, Safad and East Jerusalem. Needless to say, the humanitarian situation in the Palestinian territories has seriously deteriorated due to the continuing violence.

With respect to the recent tragedies on the ground, the Republic of Korea deplores the loss of innocent civilian lives resulting from the Israeli air attack on Gaza City on 23 July 2002. There is an urgent need for such disproportionate use of force to cease. In the same vein, the terrorist bombing targeted indiscriminately at students of Hebrew University last week is yet another source of profound concern. My Government is particularly distressed by the fact that some Korean nationals studying at that institution of higher learning were seriously injured, along with many others. We condemn terrorist acts against innocent and defenceless civilians.

These instances of violence illustrate the grave state of affairs in the Middle East, especially the toll that it has taken in terms of civilian life. The Government of the Republic of Korea firmly opposes any form of violence in the tackling of outstanding and divisive issues. In particular, there can be no justification for perpetrating acts of violence against the civilian population under any circumstances. We urge both sides to exercise the utmost restraint and to abide by international humanitarian law to ensure the full protection of civilians.

The use of violence cannot be a solution to addressing this situation. Rather, it diminishes the prospects for a stable and durable peace in the region. My delegation joins the international community in urging both parties to cease all acts of violence and to make every effort to resolve their differences through political dialogue.

My delegation believes that the peace process between the two sides should recommence in an earnest and sincere manner, based on Security Council resolutions 1397 (2002) and 1402 (2002), which lay out a comprehensive road map for realizing the vision of a lasting resolution to the Israeli-Palestinian conflict

and the steps necessary to move beyond the current crisis.

At this crucial juncture, we commend the efforts of the "quartet" to achieve peace in the Middle East. My delegation fully supports its plan of action, as contained in its joint statement of 16 July 2002, including, inter alia, the efforts to realize the goals of reform, security and peace, as well as the need to achieve progress in the political, security, economic, humanitarian and institution-building spheres in a comprehensive manner. The humanitarian aspects of the conflict, particularly those having an impact on the Palestinian people, have to be urgently tackled. Thus, the assistance of the international community should be sustained to alleviate the plight of Palestinian refugees.

Finally, my delegation joins others in reaffirming that the path to a just and lasting settlement must be based on the full implementation of Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002). It is only in this way that all peoples of the region, and future generations to come, can live side by side in peace, security and harmony within the framework of the two States.

Mr. Fall (Senegal) Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (*spoke in French*): The publication of the report that the Assembly had, in resolution ES-10/10 of 7 May 2002, requested the Secretary-General to prepare is the reason for the resumption of the tenth emergency special session to consider the report and follow up on its relevant conclusions.

But the holding of this session is due also to the recent tragic events in the occupied Palestinian territories, including Jerusalem, which are a painful reflection of the Council's apparent inability to ensure that its own decisions are implemented and fully to discharge the responsibilities entrusted to it by the Charter of the United Nations.

I should therefore like, in my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to address these two burning issues, in the hope that the General Assembly will act in such a way as to discharge its lofty mission.

With respect to the aforementioned report, it must be acknowledged that, following Israel's incomprehensible refusal to cooperate with the fact-finding team which the Secretary-General then had to disband last April, the United Nations was not able to gather extensive information in the field. As a result, the Secretary-General had no alternative but to rely on secondhand information. Regrettably, Tel Aviv did not present its version of the facts in writing, although it was invited to do so — thereby demonstrating once again the minimal importance it attaches to the requests of the international community.

Despite these constraints, the report of the Secretary-General contains ample evidence of the fact that the occupying Power, reacting to terrorist attacks, launched its "Defensive Shield" operation, thereby deliberately contravening its obligations under the Fourth Geneva Convention and the principal norms of international humanitarian law.

The Israeli forces have reduced innocent Palestinian civilians to the status of human shields, all the while engaging in massive arbitrary arrests, destroying buildings in Jenin and Nablus, blocking access to medical services and even attacking, with unrelenting fury, ambulances and emergency vehicles dispatched to the field.

The list of atrocities committed against the people and the scope of damage to the infrastructure of the Palestinian Authority, not to mention the attempts to eliminate President Arafat and his aides, are so overwhelming that one could even speak of war crimes.

The competent authorities, primarily the High Contracting Parties to the Fourth Geneva Convention and the Security Council, must seriously consider the possibility of defining appropriate measures, with a view to bringing to justice the perpetrators or sponsors of these acts so that such tragedies can never recur.

Seen in this light and given the estimated number of recorded deaths — an estimate which entailed an enlightening battle of statistics because of the absence of any inquiry on the ground — I wish solemnly to recall a distressing and poignant fact: any Palestinian, Israeli or other national who is the victim of blind or targeted violence is and will always be one victim too many, a martyr who lies on the path towards peace and embodies an unexpected alibi, or a calculated stroke of luck, for the hardliners on both sides, who are violently opposed to any political concessions with a view to a political settlement in the Middle East.

Turning now to the second subject of my statement, I must deplore the fact that illegal Israeli

practices are pursued inexorably in occupied Palestine, increasing suffering and sowing death and despair. On 22 July, another Israeli missile attack on Gaza, supposedly directed at a Palestinian leader, caused the death of 14 other people, most of whom were innocent children. In response, and once again last weekend, other attacks in Israel, for which extremist Palestinians claimed responsibility, claimed the lives of some 18 persons and caused many injuries. Given such serious acts, which we vigorously condemn, the competent international authorities must intervene as a matter of urgency.

We must recall that our Committee has always condemned the deliberate or indiscriminate assassination of leaders or other militants, as well as selective or collateral murder, be they of Palestinians or Israelis, regardless of the victim, the circumstances or the reasons. Moreover, we vigorously denounce these criminal acts and deplore the fact that collective international inaction has made it possible for those violations of international humanitarian law to multiply and to obstruct the resumption of substantive discussions on a comprehensive, just and lasting settlement of the Palestinian case, based on the relevant United Nations resolutions and the principle of land for peace.

However, we all know that pursuit of the illegal Israeli occupation and the series of related illegal acts are at the core of the Palestinian tragedy. Ultimately, the occupation dehumanizes two kindred peoples and undermines the legitimacy of their common destiny, including the stated objective of Israel's security. Indeed, the subjugation and the humiliation of the Palestinian people, the destruction of institutions of the Palestine Authority, the scorn displayed for Palestinian sites, the confinement of Palestinians in unbearable poverty, the suicidal radicalism of the settlers and the reactions of vengeance and hopelessness to Israeli repression can only result in widening the gap of hostility — even hatred — between the two peoples and increase resentment primarily through the perpetration of further hateful acts by the most extremist elements.

We know that, left to themselves, Israelis and Palestinians will never be able to extricate themselves from the vicious circle of provocation, reprisal and terror. That is why we call on the international community to assume its responsibilities and to intervene more decisively by establishing a solid international presence in the region to ensure the security of Israelis and Palestinian civilians.

The international community — I am thinking particularly of the Security Council and the "quartet" of mediators consisting of the Americans, the Russians, the Europeans and the United Nations — must draw up a bold plan to realize the vision of two States within the 1967 borders and must speedily convene an international conference that would lead to a specific mechanism that would cover the political, economic and security aspects with the objective of establishing a sovereign Palestinian State within three years, as set out by President Bush on 24 June 2002.

For their part, the Arab countries have already accepted this framework for a lasting settlement, and extended an olive branch to Israel following the endorsement by the Beirut Summit last March of the Saudi peace initiative based on the concept of withdrawal for normality.

Today Israel must take up the challenge and move forward resolutely towards peace. In this spirit, Tel Aviv must, according to a specific and agreed timetable, effect an immediate withdrawal of its troops from the reoccupied territories, put an end to its occupation of Palestinian territory and offer the suffering population the opportunity to finally exercise their inalienable and imprescriptible rights.

The overwhelming majority of the population, Israeli and Palestinian, at the urging of humanity as a whole, in whose name the San Francisco Charter was adopted, expect the United Nations, particularly the Security Council, to help the parties break the diabolical cycle of violence, prevent further loss of innocent life and definitively eliminate the apocalyptic spectre of a generalized conflagration in the Middle East.

Because political dialogue with a tangible objective is the sine qua non for any final settlement of the conflict, we must, in order not to disappoint, act together. We must start here and now by adopting, by a clear and significant majority, the draft resolution submitted for approval by the General Assembly.

In that context, it is a pleasure for me to reiterate the special gratitude of the Committee on the Exercise of the Inalienable Rights of Palestinian People, the United Nations body on whose behalf I have just spoken.

Mr. Ahmad (Bangladesh): Bangladesh commends the President for his decision to resume the tenth emergency special session, on illegal Israeli actions in occupied East Jerusalem and the rest of the occupied

Palestinian territory. It is indeed a timely response to the deteriorating situation in the Middle East.

We have before us the report of the Secretary-General (A/ES-10/186) on recent Israeli atrocities in Jenin and other Palestinian cities. As the Secretary-General said, the report was prepared on the basis of available information and resources, without visits being made to the places involved. Therefore, it cannot be construed as being a full and comprehensive account of what happened in Jenin or other Palestinian cities. He also reminded us of the history — of why the fact-finding mission could not visit the affected areas. The report mentions that there were at least 52 confirmed Palestinian deaths in Jenin, a large proportion of which were of women, children and other unarmed civilians. This confirmed figure was based on the number of bodies that were allowed to be taken out of the camp to one of the nearby hospitals. One may never be able to ascertain how many more remain buried under the rubble.

The situation in the Middle East continues without direction through a hopeless cycle of unprecedented cruelty and violence. During the past few months in particular, Israeli actions in the Palestinian-controlled areas have created an untenable situation. According to the report, unprecedented Israeli atrocities in the occupied territories have resulted in the killing of hundreds and hundreds of Palestinian civilians. Thousands of others have been wounded. Prolonged curfews and closures imposed in cities, the widespread destruction of Palestinian property, including houses and essential infrastructure, the denial of humanitarian access and attacks on ambulances have resulted in immense suffering for Palestinian civilians. Seven thousand Palestinians were arrested, many of whom were held for long periods with little or no outside contact. The Israeli actions infuriated the Palestinians. Consequent acts of retaliation by Palestinian groups invited renewed and further severe Israeli actions. In the process, both Israeli and Palestinian civilians continued to suffer.

Bangladesh condemns all forms of terrorism and violence against civilians, whether Palestinian or Israeli. However, such a position has value only for people living in sane and civilized conditions. Let us ask ourselves this: can we expect a responsible reaction from a people subjected, not occasionally, but on a daily and constant basis, to inhuman, demeaning and cruel treatment through occupation and different forms of collective punishment? How would we feel and react if put in the same situation?

We know that one evil does not justify another. When we are judging between sides, surely the greater — the primary — responsibility to do the right thing rests on those parties that enjoy a position of comparative strength and advantage, rather than on the other parties. We strongly condemn Israeli excesses in the occupied territories. The disproportionate use of Israeli force and collective punishment as a response to individual Palestinian actions are unacceptable. These must be stopped. Both the parties have obligations under international humanitarian law to refrain from violence against civilians. Perpetrating such acts have neither ensured Israeli security nor promoted the Palestinian cause of self-determination. They are counterproductive to the peace process and detrimental to mutual trust. One cannot but recall that recently Israel committed extrajudicial killings when serious efforts were being undertaken to curb violence and when the various parties involved were on the brink of an agreement to bring at least a temporary end to this cycle of violence. That once again highlighted the question marks over the motives of the present Israeli leadership.

Now more than ever before, there is a broad international consensus on the vision of a two-State solution — of Israel and Palestine living side by side, within secure and internationally recognized borders. So we have the end in view. The big issue now is how to proceed towards it. The root cause of the conflict is Israeli occupation of Palestinian territories and the unabated building of illegal settlements there. Israel must stop all settlement activities in the occupied Palestinian territories, including East Jerusalem. It should also resume revenue transfers and lift the curfews, internal closures and other restrictions on the movement of Palestinians.

Bangladesh calls on both parties to end the cycle of violence and retaliation. We urge them to fully respect their obligations under international humanitarian law. The international community must press for a final settlement. We welcome the effort of the "quartet" to help return the parties to the path of negotiation. The United Nations should continue to advocate an end to violence and to promote a meaningful resumption of political dialogue between the parties leading to the achievement of a comprehensive, just and lasting political settlement of the conflict. This should be

based on relevant United Nations resolutions, including Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002), and on the principle of land for peace.

Finally, we feel that once it has been put back on track, the peace process and the work towards achieving a final comprehensive settlement encompassing all issues — political, social and economic, as well as security — should continue without any let-up. We should not allow violent incidents caused by irresponsible quarters to distract us or to halt the process. Every time we stop or hesitate, it is a small victory for the forces that oppose peace. That is the message we read in President Bush's recent reaction to the latest spate of violence in the Middle East; he said, "There are a few killers who want to stop the peace process that we have started. We must not let them."

Mr. Kasemsarn (Thailand): I would like to join other speakers in commending the President of the General Assembly for having reconvened the tenth emergency special session of the General Assembly at such short notice, in view of the continuing crisis and recent events in the Middle East.

We would also like to thank the Secretary-General for his efforts in preparing his report (A/ES-10/186) of 30 July, in accordance with resolution ES-10/10, adopted at the previous resumption of this session, on 7 May.

What is disheartening is that the issuance of this report took place against the backdrop of a new cycle of violence and terror in the area. Indeed, since the last meeting of the tenth emergency special session, less than three months ago, the situation in the Middle East has remained of great concern to the international community. This reflects the fact that there has been little, if any, improvement in the situation, particularly the humanitarian situation.

Thailand deeply regrets the recent tragic events in Gaza City, at Hebrew University and in other places that have resulted in the deaths and injuries of many innocent civilians on both sides as well as in the destruction of property. Such events not only add to the spiralling level of violence and terror, but also — and most important — adversely affect the process of achieving a peaceful settlement. We therefore appeal to all parties concerned to exercise the utmost restraint and to immediately cease the use of violence and terror, which have brought such suffering and grief to countless individual civilians and families. Thailand will continue to condemn all acts of violence, particularly those directed against civilians, including women and children, and all acts of terror perpetrated by any party.

The only viable and acceptable way forward is for all parties concerned to work towards a comprehensive and enduring political settlement through peaceful negotiations. That is the only way to achieve a lasting, comprehensive and just solution in the Middle East. We support all relevant international efforts, including the initiative of His Royal Highness Crown Prince Abdullah of Saudi Arabia, endorsed at the Beirut Arab Summit, to help bring about such a solution. We again strongly urge all parties to fully implement all the relevant Security Council resolutions.

Bearing that in mind, we also support the ongoing process of consultations within the framework of the "quartet" and its initiatives. We welcome the recent meeting of the "quartet" in New York on 16 July, where senior representatives from the region were involved in the discussion. It is our earnest hope that those efforts, in close coordination with other international efforts, will help restore peace to the Middle East for all the peoples in the region.

Mr. Acuña (Chile) (*spoke in Spanish*): At the outset, we should like to express our appreciation for the reconvening of this emergency special session of the General Assembly, an appropriate forum for sharing views that, while lacking the decisive force of other bodies, permits us to address, in a cooperative way, a conflict that concerns everyone.

My delegation associates itself with the statement that will be made shortly by the representative of Costa Rica on behalf of the Rio Group.

Our participation in today's debate arises from the need to express our sadness and unease as we verify with concrete data the grave incidents of death and destruction that occurred recently in Jenin and in other Palestinian cities. We thank the Secretary-General for his report (A/ES-10/186) in that regard, which provides a balanced picture of the irresponsibly prolonged suffering of innocent civilian populations. In that connection, we regret the lack of cooperation by the Government of Israel in the efforts undertaken to clarify a complex reality. Once again, my country calls for the abandonment of rigid positions and for the adoption of a constructive attitude that would contribute to the attainment of peace.

The struggle to ensure that human dignity will prevail over abuse and attacks is based on unconditional respect for the basic principle of the inviolability of life, on the acceptance of differing opinions, on mutual respect and on the correct use of words, which can either make peace grow or foment violence and mistrust. For that reason, my country is dismayed at news of the "major offensives" and "exemplary punishments", such as deportations and house demolitions, with which the Palestinian people are being threatened and humiliated. We are also dismayed at news of acts of vengeance against Israel's civilian population.

The leaders of Israel and of the Palestinian people have a responsibility to moderate their voices in order to make peace and to eradicate the violence that divides two peoples submerged in a conflict that has no military solution. Reprisals have proved ineffective in settling disputes. The only viable path is that of dialogue and negotiation. Hatred does not put an end to hatred.

We call on the Government of Israel to halt its military operations in the Palestinian territories and to fully withdraw its troops from all Palestinian cities and other areas under the control of the Palestinian Authority. The occupation must cease and give way to the peaceful coexistence of two independent States, living side by side within secure and internationally recognized borders.

The international community's efforts to bring about the resumption of direct negotiations between the parties must focus on restoring the minimum conditions for mutual respect, which are necessary to ensure that political and security negotiations can take place under equitable conditions. Only clear political prospects that provide the Palestinian people with understandable and encouraging objectives, together with the fostering of recognized democratic values, such as the right to elect leaders freely and without conditions, will guarantee that advances in the negotiation process are authentic and lasting.

We appreciate and acknowledge the efforts undertaken by the Secretary-General, the Security Council and the "quartet", as well as the participation of Egypt, Jordan and Saudi Arabia in the negotiation process. Statements by the "quartet" reflect our own views and renew our hopes for a just and lasting peace in the Middle East, based on the implementation of Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002), the mandates of the Madrid Conference and the principle of land for peace.

Mr. Kumalo (South Africa): It is my honour, on behalf of the Non-Aligned Movement, to express our sincere appreciation to the Secretary-General for providing us with a report (A/ES-10/186) on the Jenin incident. Member States requested that report during the last meeting of the tenth emergency special session of the General Assembly. As a result, the Secretary-General and his staff have produced a concise report based on the information available to them. We are also aware that the Israeli Government did everything within its power to withhold information about what happened during the invasion, and even prevented the Secretary-General's high-profile team from gaining access to Jenin.

Inevitably, the Secretary-General's report falls short of a comprehensive inquiry, and is not definitive about whether war crimes and crimes against humanity were committed. Despite the obstructions placed in the way of a proper investigation, it is worth recalling the prophetic words of the Secretary-General, who observed that the long shadow cast by events in the Jenin refugee camp will remain in the absence of the deployment of a fact-finding mission. The events in Jenin, like those that took place in Sabra and Shatila, will haunt Israel for many years to come.

Meanwhile, the senseless killing of innocent Palestinian and Israeli civilians has not ended. At the time Member States requested the report before us, more than 400 Israelis and more than 1,500 Palestinians had died. During the time the report was being prepared more civilians were killed and injured on both sides. In one incident, when an F-16 fighter jet dropped laser-guided bombs on a heavily populated residential area in the Gaza Strip, inflicting massive civilian casualties and injuries, Prime Minister Sharon described the attack as "one of our most successful military operations to date". However, the deadly retaliatory attacks against Israel demonstrate that so long as "success" is measured in terms of the number of people killed, the world will remain far from seeing peace in the Middle East.

This debate on the Secretary-General's report on the Jenin incident is not merely an attempt to set the historical record straight on the events surrounding the attack on a densely populated refugee camp. The

suffering of the Palestinian civilian population throughout the occupied Palestinian territory continues to this very day. Israel's military operations in Palestinian towns and cities have generated a humanitarian and human rights catastrophe throughout the occupied Palestinian territory, including Jerusalem. The military operations, the curfews and blockades, the destruction of homes and the threatened expulsions continue in violation of international humanitarian law, including the Fourth Geneva Convention. We wish to draw the Assembly's attention specifically to the extreme suffering caused to innocent civilians, particularly to women, children and the elderly, by the wanton destruction of private homes. We recently witnessed a particularly shocking incident of this nature in Gaza.

The Secretary-General's report contains highly disturbing eyewitness accounts of Israel's disproportionate use of force, not only in Jenin but also in Nablus and other cities throughout the West Bank. Indeed, we did not realize the full extent of the tragedy that was unfolding in Nablus when last we appeared before the General Assembly. While the exact number of casualties may never be known, the report shows that approximately 50 Palestinian civilians were killed in Nablus alone. The report also estimates that close to 500 Palestinians were killed during the period 1 March through 7 May 2002.

The report points to Israel's use of the most advanced and lethal military equipment against densely populated civilian areas, extrajudicial executions, arbitrary arrests and mass detentions of civilian men, the mistreatment of prisoners, and the use of civilians as human shields. It also states that the extensive physical damage to Palestinian civilian property "did not appear to be related to military objectives." (*A/ES-10/186, para. 33*). The targeting of individuals, especially in terms of the Israeli policy of extrajudicial executions, is objectionable in the extreme and constitutes an important stumbling block on the road towards a peaceful settlement of the conflict.

It is on the issue of the denial of humanitarian access to the Palestinian people affected by the Israeli operations, however, that this report is most authoritative. The shocking accounts of prolonged delays in medical attention due to Israeli military operations, curfews and blockades, and of the attacks on ambulances and humanitarian workers, come directly from the impartial humanitarian personnel themselves. As the report notes,

> "There is a consensus among humanitarian personnel who were present on the ground that the delays endangered the lives of many wounded and ill within. United Nations and other humanitarian personnel offered to comply fully with IDF (Israeli Defence Forces) security checks on entering and leaving the camp, but were not able to enter the camp on this basis." (*para. 67*)

The report states clearly that Israeli military incursions were often carried out against the Palestinian Authority and its security installations. That had the effect of severely weakening the Authority's capacity to take effective action against militant groups that launched retaliatory attacks on Israelis. Furthermore, the report noted particular concern in the use by combatants on both sides of violence that placed civilians in harm's way.

Perhaps the way out of this tragic impasse is indicated in the remark made by the Secretary-General in the report that there is an urgent need for the parties to resume a process that will lead back to the negotiating table. That observation is in line with the principled position of the Non-Aligned Movement, which believes that there can be no military solution to this conflict. The encouraging resurgence in the peace movement, both in Israel and in Palestine, is the clearest indication that, despite the terrible and destructive violence being perpetrated against innocent Israelis and Palestinians, there is still hope for the resumption of negotiations. We believe that it is incumbent upon the international community to redouble its efforts towards the creation of a favourable environment for restarting peace negotiations.

The Movement has always believed that a just and durable solution to the Middle East crisis must be premised upon an end to Israeli occupation of Arab land and the establishment of an independent Palestinian State, with East Jerusalem as its capital. Until the Palestinians have a place they can call home, the people of the Middle East are unlikely to know peace.

Mr. El Kadiri (Morocco) (*spoke in Arabic*): At the outset, I would like to thank the President for responding favourably and promptly to the request of the Arab Group for the resumption of the tenth emergency special session of the General Assembly on illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territories.

There is no doubt that the resumption of this session reflects the ongoing anxiety and concern of the international community over recent events in the occupied Palestinian territories due to Israel's escalation of its occupation of Palestinian towns and cities, over the increase in illegal acts against the legitimate Palestinian Authority and its institutions and facilities and against areas inhabited by civilians, and over the considerable resulting human and material losses. The worsening of the situation has resulted in the paralysis of all efforts for a comprehensive and just peace in the region, including the latest Arab initiative adopted by Arab kings and heads of State at the recent Beirut summit. The situation has also paralyzed the efforts of the "quartet".

We are very concerned as we witness the Israeli Government's pursuit of its arbitrary policy against Palestinian towns and villages, by which it has occupied most towns previously governed by the Palestinian Authority and has strengthened its military, economic and social blockade on them. This prefigures a humanitarian disaster of the kind that we are seeing now in Nablus and elsewhere.

The resumption of this emergency special session comes immediately after the publication of the report of the Secretary-General on the painful and tragic events that took place in the Jenin camp and in other Palestinian cities. The report was prepared subsequent to resolution ES-10/10, adopted by the General Assembly at its meeting of 7 May 2002. The Assembly's resolution was met with great hesitation on the part of the representative of the Government of Israel, which had refused to accept Security Council resolution 1405 (2002) calling for the dispatch of a fact-finding mission to examine on the ground the atrocities committed by Israeli occupying forces in the occupied Palestinian territories.

Without doubt, the report does not fulfil all the objective conditions necessary to shed light on the facts, draw conclusions and assign responsibilities. If the report had been the result of an on-site visit in accordance with resolution 1405 (2002), we probably would have had clear facts and evidence revealing to us the gravity of the crimes committed by the Israeli occupying forces against Palestinian civilians during the so-called Operation Defensive Shield.

As Mr. Kofi Annan himself has declared, no comprehensive and detailed report on the events in Jenin could be prepared without a visit to the place itself and without the cooperation of all parties concerned. Therefore, the Israeli Government, by refusing to provide the United Nations with information on what happened, caused the report to be prepared on the basis of documents provided by the Palestinian Authority, Member States, international bodies, non-governmental organizations, United Nations staff and media organizations.

The report proves without a doubt that Israeli forces committed many violations in the course of their attack on Palestinian lands, which is described as the most massive Israeli military action in a decade. By conducting that military campaign, Israel has flouted all international norms, in particular international humanitarian law and the Fourth Geneva Convention.

The cycle of violence and reprisals is bound to worsen the loss of human life and material damage. We have seen very clearly that adopting a logic of security concerns in isolation cannot end the cycle of violence. That is the reason the international community, today more than ever, must compel the Israeli Government to comply with the provisions of international law, to put an end to its occupation of Palestinian and Arab territories, to resume negotiation without prior conditions and to comply with the principles upon which the peace process is based.

Morocco unreservedly condemns all kinds of violence in the Middle East. We condemn the loss of human life. On this occasion, we would like to recall the words of His Majesty Mohammed VI in his throne day speech of 30 July 2002, which stated Morocco's position on terrorism. He said,

> "As terrorism has no religion nor nation, we have to defend our countries from its causes and perils. That is done through our effective international contribution to the eradication of the causes of terrorism in the global context."

His Majesty King Mohammed VI, President of the Al-Quds Committee, has always called on the international community and the parties involved in the peace process to avoid the catastrophe that we are currently witnessing in the Palestinian territories. His Majesty is continuing his efforts to calm the situation and to create the conditions necessary for a resumption of the peace process and for a return to negotiations without prior conditions. As always, Morocco is ready to contribute to all regional and international efforts to

contain the crisis and to encourage the parties concerned to resume negotiations in order to reach a just and comprehensive peace in the region.

The Kingdom of Morocco is firmly convinced that peace is the only possible way to end the conflict in the Middle East. However, peace-building requires the withdrawal of Israeli forces from the occupied Palestinian territories, the creation of a Palestinian State with Al-Quds as its capital and the return of all occupied Arab territories by virtue of legitimate international decisions.

Mrs. Chassoul (Costa Rica) (*spoke in Spanish*): It is a pleasure for me to take the floor at this tenth emergency special session of the General Assembly on behalf of the 19 countries that are members of the Rio Group – Argentina, Bolivia, Brazil, Chile, Colombia, the Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela and my own country, Costa Rica.

The Rio Group would like to thank the Secretary-General for his report, which was submitted in accordance with General Assembly resolution ES-10/10, despite the difficult circumstances surrounding its preparation. We believe that this document reflects the events that took place in Jenin and other Palestinian cities, taking into account the obstacles that the Secretariat faced in trying to gather information and obtain access to sources.

The Rio Group reiterates its strong condemnation of terrorism and violence in all of their forms and manifestations. It deplores the loss of human life in the region, which has included, recently, some nationals of our own countries. We demand an immediate end to such acts and full respect for international humanitarian law.

We call on States with influence on the parties to step up their efforts to find, together with them, a comprehensive, just and lasting solution to the conflict on the basis of Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1402 (2002). We urge the parties to explore all possible avenues for dialogue and negotiation.

We deem it essential to ensure the security of the civilian population and to permit access to humanitarian assistance. In this context, we fully agree with the strategy recently adopted by the "quartet" to accord the highest priority to alleviating the suffering of the affected and displaced civilian population.

Finally, the Rio Group wishes to reiterate its desire to cooperate with the rest of the international community in the quest for a lasting solution to the conflict.

Mr. Bilman (Turkey): Turkey has aligned itself with the statement delivered this morning by the representative of Denmark on behalf of the European Union, which reflects our main concerns. Allow me to further elaborate on my delegation's views on certain points at today's resumed tenth emergency special session of the General Assembly.

When my delegation addressed the tenth emergency special session of the General Assembly on 7 May 2002, it expressed the hope that it would be possible to talk of improved and concrete prospects for peace when the time came for us to deliberate on this issue again. Regrettably, we meet today once again in the shadow of relentless and brutal violence, which only yesterday claimed many lives in northern Galilee, at the Damascus Gate in Jerusalem's Old City and in the Gaza Strip. We feel deep sorrow at those tragic events and wish to express our most sincere condolences to the bereaved families of the victims. We once again condemn absolutely all acts of violence and terror, including the morally repugnant suicide bombings. We reiterate our clear-cut position that terrorism is a crime against humanity and cannot be justified under any pretext.

At the same time, we wholeheartedly share the bitterness and pain of those Palestinians who lost family members and relatives, most of whom were children, in Israel's aerial military attack on Gaza on 22 July. In this regard, we condemn any military action directed indiscriminately against the civilian population and residential areas. While fully recognizing the legitimate right of Israel to defend itself and to take the necessary measures against the perpetrators of heinous terrorist attacks, we wish to remind the Israeli Government to respect the basic principles of international law and to refrain from using disproportionate military force, which certainly do not contribute to resolving the current crisis. As has been pointed out by the Secretary-General,

> "we cannot achieve security by sacrificing human rights. To try to do so would hand the terrorists a victory beyond their dreams".

Turkey appreciates the efforts of the Secretary-General and welcomes his report on the events that

took place in Jenin and in other Palestinian cities earlier this year. As we stated at the previous gathering of the tenth emergency special session, the attitude of the Israeli Government on this purely humanitarian issue has been regrettable. Like the rest of the international community, we, too, would have preferred that a fact-finding team be dispatched to the region in order to obtain firsthand information. It is sad that Israel did not officially respond to the request that it submit information to the United Nations. Nevertheless, we should not disregard the concluding remarks of the Secretary-General, who believes that the picture painted in the report is a fair representation of a complex reality.

The events described in the report testify to the grim situation in the Middle East, which is the result of widespread violence. It is obvious that operation "Defensive Shield", conducted by the Israeli Defence Forces in areas populated mostly by civilians, did not bring about the expected outcome. What it brought about was a high death toll and heavy destruction and devastation in the Palestinian cities, and it aggravated the already severe socio-economic conditions of the Palestinian people.

Furthermore, the denial of access to medical and humanitarian personnel — a finding included in the report — is something that we cannot accept. It is deeply regrettable that medical personnel were targeted by Israeli military forces. We truly hope that, as promised by Israel, the crucial importance of humanitarian agencies will be recognized and their work improved and facilitated.

On the other hand, the Secretary-General's report also stresses the obligations of the Palestinian Authority to fight terrorism and to protect Israeli civilians from terrorist attacks. We note with deep concern the finding in the report that in Jenin Palestinian militants from radical groups adopted measures that constitute a violation of international law. It is unacceptable for certain Palestinian groups to exploit civilians for their own purposes.

We fully agree with the Secretary-General, who clearly demonstrates in his report the urgent need for the parties to resume a process that would lead back to the negotiating table. Let us be very clear. There is no military solution to this historical conflict. The road to peace in the Middle East passes only through political will, which requires courage and statesmanship. It is therefore the moral duty of the leadership of both parties to their nations as well as to the international community to take effective steps towards paving the way to the negotiating table.

As set out in Security Council resolution 1397 (2002), the solution to the Middle East conflict should involve two States, Palestine and Israel, living side by side within secure and recognized borders. There seems to be no alternative to this option.

Turkey, besides supporting various international efforts and enjoying good relations with both parties, stands ready to play a facilitating role in the peace process as a reliable partner for Israel and Palestine.

Before concluding, let me also emphasize one point. We sincerely hope that today's deliberations in this Hall will produce an outcome which reflects the main thrust of the Secretary-General's report, in all its aspects and in a balanced manner. we are faced with on the ground is indeed nothing less than a tragic humanitarian situation. While we cannot accept the conditions to which the Palestinians are subjected, we cannot, at the same time, tolerate the continuous targeting of Israeli people by terrorists.

Now more than ever it is incumbent upon the entire international community, but first and foremost upon the parties themselves, to do their utmost urgently to break the vicious cycle of violence and lay the foundations of a just and lasting peace in the Middle East.

Mr. Andjaba (Namibia): My delegation would like to express its appreciation to the President for convening the resumed tenth emergency special session of the General Assembly to consider the grave situation in the occupied Palestinian territory.

I wish to thank the Secretary-General for his report (A/ES-10/186), which was prepared on the basis of General Assembly resolution ES-10/10. While we note the findings contained in the report, my delegation deeply regrets that not only did Israel refuse to allow the fact-finding team into Jenin, it also refused to cooperate with the Secretary-General in the preparation of the report. In our view, this report should not have contained media reports from the Israeli Government, which were not directed to the United Nations. It remains a bad precedent that Israel is allowed to obstruct the decisions of the Security Council without consequences.

My delegation is deeply distressed about the extremely grave situation, which deteriorates day by day. However, in our view, this tragedy should not prevent the international community from continuing to seek a negotiated settlement of the conflict and the protection of the lives and the rights of the Palestinian people. Every possible effort must be made to ensure that the parties regain mutual confidence and return to the negotiating table.

The Palestinian people have been living in atrocious conditions for decades, and their situation continues to deteriorate. They are the victims of Israeli aggression. They continue to suffer severe hardship at the hands of the Israeli Defence Forces. Israel seems determined to destroy the Palestinian Authority and, in the process, massive human rights violations as well as grave breaches of international humanitarian law are taking place. The report before us contains ample information in that regard. It describes in shocking terms how humanitarian agencies were prevented by the Israeli Defence Forces from delivering medical supplies and medical assistance to the needy, which resulted in hundreds of civilian deaths. Furthermore, even medical personnel were directly targeted.

The policy of extrajudicial executions by Israel is being broadened. The recent attacks on Gaza and other cities, which resulted in the deaths of many civilians, including women and children, are deplorable. The international community should ensure that Israel is held accountable for such breaches of international humanitarian law and war crimes. It is regrettable indeed that the Security Council, the body responsible for the maintenance of international peace and security, is paralysed and unwilling to do anything about the tragic situation unfolding in the occupied Palestinian territory. The authority of the Security Council is further eroded through its failure to enforce its own resolutions on the question of Palestine.

My delegation believes that the continued illegal occupation of Palestine, the oppression, the settlement activities and the collective punishment of the Palestinian people by the occupying Power are the root causes of violence and insecurity in the region. We also believe that unless these root causes are removed the situation will continue to deteriorate. Thus, the fundamental issue is that occupation must stop, and it must stop unconditionally. This will not only require political will by Israel, but it will also require honest and forward-looking mediators. In other words, those who mediate between the two parties must do so in good faith.

Attempts by some quarters to remove President Arafat from office are not only undemocratic; they are unacceptable. President Arafat is the legitimate and democratically elected leader of the Palestinian people. And nobody but the Palestinian people themselves has the right to decide whom they want to be their leader, through free, fair and democratic elections.

My delegation strongly supports all efforts towards a just, lasting and comprehensive settlement based on Security Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace. In that regard, we welcome efforts by the "quartet" and others towards the establishment of two States living together in peace, as envisioned in Security Council resolution 1397 (2002).

In conclusion, my delegation wishes to express its strong and unqualified support for the draft resolution before us.

Mr. Gokool (Mauritius): My delegation is grateful to the President for convening this meeting, which is very timely.

Mauritius welcomes the report of the Secretary-General (A/ES-10/186) on the events that took place in Jenin and in other Palestinian cities, covering the period March to May 2002. The report provides, without exaggeration, insight into the magnitude of destruction and suffering resulting from the Israeli attacks on Jenin and other Palestinian cities. Needless to say, we are appalled and deeply disturbed by the widespread destruction caused by Operation Defensive Shield.

Mauritius wishes to reiterate in the strongest terms its condemnation of all instances where innocent civilians, especially women and children, become victims of insane and barbaric acts.

We deplore the deaths caused by yesterday's bomb attack on an Israeli commuter bus in the northern Galilee, as well as the attack on the campus of Hebrew University in Jerusalem. Innocent lives, irrespective of nationality, deserve to be protected at all costs, and it is a moral and legal responsibility under humanitarian law for all the parties involved in a conflict to commit themselves to these obligations.

Since September 2000 the spiral of violence has continued unabated, despite international calls for restraint. Each terrorist act has been followed by an incursion by the Israeli Defence Forces into Palestinian territory, and each incursion has been followed by a further terrorist act. The precarious and unstable situation in the Middle East must be brought to an end. This will be possible only if both parties come to terms and agree on a common platform for constructive talks and negotiation.

My delegation fully supports the various international initiatives aimed at a peaceful settlement of the Middle East problem. The recent "quartet" meeting confirmed that there must be a negotiated permanent settlement based on Security Council resolutions 242 (1967) and 338 (1973), and that there can be no military solution to the conflict. We must work on that premise, with a view to adopting a lasting solution to the problem of the Middle East. Likewise, we believe in a comprehensive approach that would address the political, economic, social and humanitarian conditions in the occupied territories. In that regard, we call upon all donors to continue their support for the development and rebuilding of the Palestinian infrastructure, an imperative for furthering the peace process. We firmly believe that the land-for-peace formula should be the basis for all future talks. This would help to translate into reality the concept of two States living side by side within internationally recognized boundaries, as proposed by the "quartet".

But peace will not be attainable in the absence of genuine commitment from both sides. It is time for reflection on what has gone wrong in all the efforts carried out so far. If we continue to respond with words only, and not take any concrete action, we risk ending up with a further deterioration of the situation in the Middle East. Time is of the essence. Two wrongs cannot make a right. If a unilateral measure is taken by one party against another, resulting in blatant abuses of human rights and humanitarian law, it is not necessary for the other party to act in the same way. Such an attitude and such behaviour will only exacerbate the situation and cause the parties to engage in incessant retaliatory acts, thus having a negative impact on the peace process.

We have repeatedly said that Israel should comply with all relevant Security Council resolutions and give the peace process a chance. We firmly believe that there must be an immediate withdrawal by Israel from the occupied territories. That is the most important confidence-building measure that Israel should undertake in order to instil the required confidence. It is inconceivable that more than 700,000 Palestinian people should be kept under siege for so long a period. It is also unacceptable that the Palestinian leader, Yasser Arafat, should be isolated in his headquarters in Ramallah for so many months. Moreover, inflicting collective punishment, denying innocent civilians the right to a free life and preventing them from carrying out their routine economic and social activities are totally unjustified. We deplore the use by Israel of disproportionate military force and of heavy weaponry, which has been the cause of massive destruction and has been responsible for heavy human casualties, including among women and children.

Finally, we again urge both parties to exercise the utmost self-restraint and engage in meaningful dialogue that will pave the way for peace and make a definite contribution to the de-escalation of violence in the Middle East region.

The Acting President: In accordance with General Assembly resolution 477 (V) of 1 November 1950, I now call on the Observer of the League of Arab States.

Mr. Mahmassani (League of Arab States)(spoke in Arabic): First, I would like sincerely to thank the President of the General Assembly for responding to the request to resume the tenth emergency special session of the General Assembly to consider anew the serious and deteriorating situation in the occupied Palestinian territories in general, and the Secretary-General's report (A/ES-10/186) in particular.

That report acknowledges at the outset that visits to Jenin and other Palestinian areas were not possible because of Israel's refusal. That made the report a mere description of facts that could not be hidden. The report did not take a clear position; it did not even place blame on Israel for having refused to allow the fact-finding team to perform its task. Israel has committed many crimes and flouted the resolutions of the international community, which has failed to take a firm stand against Israel's position, despite all of the efforts made by the United Nations over the past two decades.

Israel has completely disregarded international legitimacy and has refused to implement Security Council resolution 1405 (2002). It has carried out

massacres in Jenin and other areas. Israel's violations of international law and human rights have become a daily occurrence. It has committed war crimes and has flagrantly violated international law. The situation has reached a point at which there can be no further concessions. The report mentions the war crimes committed by Israel, which violate international law and the Fourth Geneva Convention. But it fell short of using the proper word, "massacre". Yes, it was a massacre. Fifty-two people were killed in the Jenin camp, all of them civilians. The report nevertheless did not determine exactly how many people died in addition to the 52 that were reported. Israel used its air force and heavy artillery to bomb and raid Palestinian civilian areas. Could the civilians in Jenin defend themselves against such attacks?

It is very clear that war crimes and violations of international law have been committed. How long can this situation continue? The situation is deplorable and it will only deteriorate further if such violations of international law continue.

The crisis in the Middle East has deteriorated and has become a real threat to international peace and security, with no light at the end of the tunnel. The conflict has caused a crisis in the international legal system. United Nations resolutions have been violated, and the Security Council has failed to shoulder its responsibility.

Faced with such a situation, what can the General Assembly do, having received the report before it? Israel's refusal to receive the fact-finding team is deplorable, and the international community's failure to take a stand in the light of that refusal has only encouraged Israel to carry out further attacks against innocent civilians. The Assembly should end this crisis by putting an end to Israeli practices that have been deliberately escalated. It should adopt a resolution that restores its credibility, upholds rights and proves the effectiveness of the United Nations as the international forum most directly concerned. A clear message should be sent to Israel, the occupying Power, requesting it to shoulder its responsibility to provide the necessary protection to civilians, in conformity with the Fourth Geneva Convention. The Assembly should put an end to the fait accompli imposed by Israel in the occupied territories. It should force Israel to respect the relevant Security Council resolutions, and should demand that Israel withdraw from the occupied territories. The Assembly should regain its credibility by doing its utmost to improve the situation and by enabling the Palestinian institutions to be re-established.

Assistance by the international community has become a matter of extreme urgency to help the Palestinians rebuild their infrastructure. The Assembly should also reaffirm its support for international efforts — in particular those of the "quartet" and of other peace-loving countries —to lend credence to Security Council and General Assembly resolutions. The Assembly's adoption of the revised draft resolution before it could represent a first step in the right direction.

The Acting President: In accordance with General Assembly resolution 3369 (XXX), of 10 October 1975, I now call on the Observer of the Organization of the Islamic Conference.

Mr. Husain (Organization of the Islamic Conference): I am grateful for this opportunity to address the General Assembly at its resumed tenth emergency special session on behalf of the General Secretariat of the Organization of the Islamic Conference, the intergovernmental organization of 57 sovereign States, all of which are also States Members of the United Nations and are represented here today. I speak on agenda item 5, "Illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory".

We have read carefully and with grave concern the report of the Secretary-General, contained in document A/ES-10/186, on recent events that took place in Jenin and in other Palestinian cities. Despite the fact that the report was prepared without Israeli cooperation and without even a visit to the area, what it contains in paragraphs 48 through 69 about Israeli military incursions into Jenin city and in paragraphs 71 through 81 about the same occupying Power's military incursions into the cities of Ramallah, Bethlehem and Nablus is heart-rending. And the fact that the Secretary-General, in his observations, concludes in paragraph 82 — sharing the assessment of President Ahtisaari and his fact-finding team — that a full and comprehensive report could not be made because of those two constraints, alludes to the fact that there will be more horrible details to report concerning Israeli aggressions against the Palestinian populations of those cities.

When His Excellency Mr. Kofi Annan proposed the dispatch of a multinational force to the occupied

Palestinian territories following the recent grave deterioration of conditions in that area, the Secretary-General of the Organization of the Islamic Conference, His Excellency Mr. Abdelouahed Belkeziz, addressed an urgent communication to him fully supporting the proposal. He further suggested the dispatch of an international commission that would inquire into the atrocities that had been, and were continuing to be, committed by the Israeli occupation forces against Palestinian civilians in the cities of Jenin and Nablus. He drew attention to Israeli attempts to conceal those atrocities by removing the bodies of hundreds of Palestinians for burial in secret locations, in addition to evicting and displacing thousands of Palestinians after plundering and demolishing their homes. He emphasized the need for the proposed commission of inquiry to investigate the Israeli occupation forces' invasion of Palestinian institutions, cultural centres and banks, and the confiscation of documents, records and computers belonging to various ministries of the Palestinian Authority, which was paralysing their regular operations.

In that communication, the United Nations was assured of the fullest cooperation of the Organization of the Islamic Conference in the fielding of the proposed commission of inquiry. The thinking of the Secretaries- General of our two organizations on that approach was identical. It found expression in the United Nations Secretary-General's initiative to develop accurate information on the events in the Jenin refugee camp through a fact-finding team of exceptionally competent and reputable persons. We looked to the international community for support for the initiative.

Regrettably, Israel's non-cooperation and its blatant sabotage of the initiative, an initiative which had the Security Council's endorsement and Israel's own prior agreement, made it impossible for the Secretary-General to proceed with the fielding of the mission. What has come instead is the report, pursuant to General Assembly resolution ES-10/10 of 7 May 2002, which draws upon whatever information was available short of the planned visit to Jenin, which, if fielded, would have gathered and brought back more credible details of what had transpired.

In this, the inference with regard to Israeli intentions is obvious. The truth, once again, is being concealed through Israel's disregard of Security Council and General Assembly resolutions. And on this occasion, as on so many previous ones, the international community's appeasement of Israeli intransigence is keeping the conflict entrenched rather than moving towards a solution. That is particularly disheartening, as it comes at a time when an international consensus on the two-State solution, providing for the establishment of an independent State of Palestine, is clearly emerging. It remains incumbent upon the international community to ensure that this consensus proceeds to fruition, unimpeded by the nefarious designs and actions of any adversaries.

Those now in power in Israel, by their deeds and misdeeds past and present, have succeeded in demonstrating their aversion to the peace process and to the idea of the creation of the State of Palestine with Jerusalem as its capital. The latest among their excuses for not proceeding in this desirable direction, and for scuttling whatever progress has been achieved through the creation and functioning of the Palestinian Authority, is the Palestinian resistance to the forces of occupation, which Israel is calling terrorism. In fact, it is Israel's own acts of State terrorism against the Palestinian people, perpetrated under its prolonged, illegal and immoral occupation, that are inviting resistance and retaliation. If the Government of Israel truly desires peace and security, then its course of action should be, not continued force and brutality, but the withdrawal of all its occupation forces from the occupied Palestinian territories and a return to the negotiating table within the framework of the peace process.

It is our sincere hope that the draft resolution before the General Assembly will receive the Assembly's approval, thereby clearing the way for the resumption of peace negotiations, advancing the establishment of the independent sovereign State of Palestine and contributing to peace and progress for all countries and peoples of the region.

The Acting President: We have heard the last speaker in the debate on this item.

At this point, I should like to inform members that the Secretariat has received a revised version of draft resolution A/ES-10/L.10, which the Secretariat is processing for issuance. In that regard, I should also like to inform members that I propose to suspend this meeting now to provide time for the issuance of the revised draft resolution. We shall then proceed to take up the revised draft resolution.

The meeting was suspended at 5.45 p.m. and resumed at 8.25 p.m.

The Acting President: In connection with the item under consideration, the Assembly has before it a new draft resolution under the symbol A/ES-10/L.11.

On account of the late hour and the lack of time to process the new draft resolution into all languages, and on the understanding that delegations are ready to consider the draft resolution with only the English text before them, we shall proceed to consider the draft resolution.

I now give the floor to the representative of South Africa to introduce draft resolution A/ES-10/L.11.

Mr. Cardy (South Africa): It is my honour this evening to introduce the draft resolution which is before the Assembly in document A/ES-10/L.11.

This draft resolution is the product of extensive negotiations among all United Nations Member States. We therefore believe that it enjoys the overwhelming support of the Assembly. The draft resolution before the Assembly has nine preambular paragraphs and eight operative paragraphs. The preambular paragraphs address the main issue before the meeting today, the release of the Secretary-General's report (A/ES-10/186) on the incident in Jenin. We take note of that report in this draft resolution. The draft resolution also deplores Israel's lack of cooperation in implementing Security Council resolution 1405 (2002) and reiterates the obligation of Israel, as the occupying Power, to respect the Fourth Geneva Convention.

The draft resolution expresses grave concern at the tragic and violent events that have taken place in the occupied territories since September 2000, as well as at the continuing violence.

The resolution also stresses the need to end the Israeli occupation and emphasizes the importance of the safety and well-being of all civilians in the whole Middle East region.

By the operative paragraphs, the Assembly would demand the immediate cessation of all military incursions and demand the immediate withdrawal of the Israeli occupying forces from Palestinian population centres towards a return to the positions held prior to September 2000. Furthermore, the operative paragraphs stress the need for all concerned parties to ensure the safety of civilians and to respect the universally accepted norms of international humanitarian law. The other operative paragraphs deal with the dire humanitarian situation in the occupied territories.

The Acting President: Before we proceed further, I should like to consult the Assembly with a view to proceeding immediately to consider the draft resolution contained in document A/ES-10/L.11. In that connection, since document A/ES-10/L.11 has only just been circulated in the Hall, it would be necessary to waive the relevant provision of rule 78 of the rules of procedure. The relevant provision of rule 78 reads as follows,

> "As a general rule, no proposal shall be discussed or put to the vote at any meeting of the General Assembly unless copies of it have been circulated to all delegations not later than the day preceding the meeting."

Unless I hear any objection, I shall take it that the Assembly agrees with the proposal to waive that provision of rule 78.

It was so decided.

The Acting President: The Assembly will now take a decision on draft resolution A/ES-10/L.11. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Algeria, Andorra, Argentina, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Mauritius, Mexico, Monaco, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland,

Portugal, Qatar, Republic of Korea, Russian Federation, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia

Against:

Israel, Marshall Islands, Micronesia (Federated States of), United States of America

Abstaining:

Australia, Bulgaria, Canada, Honduras, Nauru, Nicaragua, Nigeria, Romania, Samoa, Solomon Islands, Tonga

Draft resolution A/ES-10/L.11 was adopted by 114 votes to 4, with 11 abstentions (resolution ES-10/11).

[Subsequently, the delegation of Eritrea informed the Secretariat that it had intended to vote in favour; the delegation of Cameroon informed the Secretariat that it had intended to abstain.]

The Acting President: Before giving the floor to the speakers in explanation of vote on the resolution just adopted, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Ms. Price (Canada): With regard to the events in Jenin and other Palestirian cities last April, the Government of Canada has consistently supported the initiative of the Secretary-General to develop accurate information. We are grateful to the Secretary-General for overseeing the completion of the report (A/ES-10/186), which speaks to the value of factual inquiry and to the important role of the United Nations. It also underscores the responsibility of both sides in finding a resolution to this tragic conflict.

Canada was disappointed by the Israeli decision not to cooperate with the fact-finding team mandated by the Security Council. We felt it was important to bring the facts to light.

My delegation abstained in the vote on the draft resolution before the Assembly today because the text fails to deal adequately with the full balance of responsibility for the continuing violence, which has resulted in far too many deaths. That, in our view, is a fundamental weakness. Canada cannot concur with the interpretation of those events as provided by the text of the resolution or with the singling out of one party.

In addition, while we did not wish to block the proceedings of the Assembly this evening, we would note that this text, which we received only this evening, is substantially changed from that which had been circulated earlier today — indeed, I would say it is a new text.

While we welcome these developments, thorough consultations in our capital would be required to properly evaluate such changes on this complex matter. We note with regret that there was insufficient time for such evaluation and reflection.

A negotiated peace which fulfils the term of Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002) is the best guarantee of the security of Israelis, Palestinians and of the entire region, whose population has the right to live in full security and freedom from fear.

The international community ardently desires the resumption of dialogue and negotiation. It stands ready to assist the parties, and the parties must make use of that goodwill. I should like to reiterate Canada's willingness to assist in these efforts.

Mr. Jacob (Israel): Israel voted against the draft resolution just adopted because it fails to reflect the realities of Palestinian terrorism, distorts the report of the Secretary-General and fails even the minimum test of basic fairness in that it ignores the deaths of Israelis from a brutal terrorist campaign which has been condemned in all forums, including by the "quartet" — but not, ironically, by the General Assembly.

On 7 May 2002, just an hour before resolution ES-10/10 was adopted, 15 innocent Israelis were murdered in a pool hall in Rishon Letzion. That suicide attack prompted several States to withdraw their support for the draft resolution and to demand that a different text be adopted which included a specific condemnation of Palestinian suicide bombings. As usual, the Palestinian Observer remained wilfully blind to the suffering of Israelis, and, declaring that the General Assembly was the property of the Third World, refused to allow his one-sided text to include a genuine condemnation of Palestinian terrorism, even though he

had purported to condemn it in his speech before the Assembly.

One may ask why it is that a Palestinian suicide attack must occur within an hour of the adoption of a United Nations resolution in order for certain Member States to be prompt to call for its condemnation. Is it not enough that Israeli civilians have been targeted almost daily by suicide bombers hunting innocents? Is the murder of students at a university campus just last week, or the five separate attacks yesterday, not enough to prompt a degree of sympathy for the Israeli lives required to generate a resolution which recognizes Israelis as victims and calls on the Palestinian Authority to finally fight terror.

Is the Secretary-General's report, which finds Palestinian terrorists responsible for war crimes and affirms that the Palestinian Authority has used terrorism as a political weapon, not enough to produce a draft resolution that recognizes that dead and injured Israelis are also a humanitarian crisis that must be remedied?

It seems, sadly, that those States that have supported this resolution are willing to tolerate the use of the Assembly for partisan initiatives that ignore the reality of the relentless Palestinian suicide campaign. Were it not such a familiar pattern in the Assembly, Israeli and other victims of Palestinian terrorism would indeed be saddened. But we have known for some time now not to overly invest our hopes in the willingness of States in the Assembly to confront the terrorism crimes that prevent a peaceful resolution of this conflict. None of these one-sided resolutions has made any contribution to peace and security for the Palestinian and Israeli peoples. They have, however, hurt the reputation of the General Assembly and revealed the closed hearts and minds of too many States, and that, really, is saddening.

Mr. Blazey Australia): Our vote reflected our view that the resolution did not accurately reflect the balance found in the report of the Secretary-General, in particular with regard to the responsibilities set out in paragraph 13, which speaks of the obligations to refrain from carrying out attacks against civilians, to prevent groups from engaging in such attacks, including suicide bombings, and to actively protect civilian populations.

In Australia's view, and as reflected in the Secretary-General's report, the deliberate targeting and reckless endangerment of innocent civilian lives, in particular through suicide bombings — a practice not mentioned in this resolution — is totally unacceptable.

It is also with regret that I repeat what my delegation said at the last emergency special session, namely that we do not regard the procedures applied at today's session as satisfactory. The lack of opportunity for consultation with our capital on the contents of substantive proposals put forward today is not consistent with the rules of procedure.

We very much hope that for such important matters we can find a better way of working together in future meetings.

Ms. Løj (Denmark): I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the European Union — the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia — and the associated countries Cyprus, Malta and Turkey, as well as the European Free Trade Association countries of the European Economic Area Iceland and Liechtenstein align themselves with this statement.

We voted in favour of the draft resolution contained in document A/ES-10/L.11. We have discussed today, during this tenth emergency special session of the General Assembly, the report prepared by the Secretary-General pursuant to resolution ES-10/10. In the statement delivered earlier today, the European Union welcomed the report.

The European Union has repeatedly condemned all attacks against civilians, including suicide bombings. As the Secretary-General noted, of particular concern is the use by combatants on both sides of violence that places civilians in harm's way. This is unacceptable and must be stopped. The European Union would have preferred this to have been more strongly reflected in the resolution.

Finally, the European Union would like once more to underline that we agree with the Secretary-General's conclusion in the report, namely that the events described therein, along with the ongoing cycle of violence and the continuing deterioration of the situation, demonstrate the urgent need for the parties to resume a process that would lead back to the negotiating table.

The European Union reiterates its readiness to support, in cooperation with our partners in the "quartet" and in the Arab world, the parties in this process towards achieving a just, comprehensive and lasting settlement of the Middle East conflict, in accordance with Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002).

Mr. Rosenthal (Guatemala) (*spoke in Spanish*): Guatemala voted in favour of draft resolution A/ES-10/L.11 because its final version reflects much greater balance than we had seen in earlier texts on the same issue and because we had no wish to break the consensus of the regional group to which we belong. However, I must confess that that decision was a difficult one for us, and I would like to explain why.

Let me begin by noting that we are very grateful to the Secretary-General for the factual and objective nature of his report (A/ES-10/186), which is the basis of the resolution. We feel that he has done excellent work in difficult circumstances, especially owing to the lack of direct access to one of the parties. In our opinion, the content of the report is distressing. It indicates that all parties have their share of responsibility, and it is very hard for us to allocate that responsibility between the parties. We find equally repugnant the suicide attacks against Israeli civilians and the grave excesses committed against the Palestinian civilian population by the Israeli Defence Forces, as reported in paragraphs 62 to 69 of the report.

We are extremely saddened by the debate on the number of victims of the events covered in the report, since even one victim on either side must be regarded as excessive. We are alarmed at the spiral of violence that has been so lucidly described in paragraphs 14 to 22. We fully endorse the observation made by the Secretary-General at the end of his report, where he underscored the urgent need for the parties to resume a process that will lead them back to the negotiating table to find a just, lasting and comprehensive settlement of the situation prevailing in the Middle East, based on Security Council resolutions 242 (1967) and 338 (1973), to which I would add resolution 1397 (2001).

Mr. Balarezo (Peru) (spoke in Spanish): The Peruvian delegation voted in favour of this resolution. However, I wish to place clearly on record that we regret the fact that the resolution does not include a clear and categorical repudiation or condemnation of the terrorist acts committed against innocent Israeli civilians.

Mr. Loizaga (Paraguay) (spoke in Spanish): My delegation wishes first to thank the Secretary-General for the report (A/ES-10/186) submitted pursuant to General Assembly resolution ES-10/10, which motivated the reconvening of this session. We recognize the limitations that the Secretary-General encountered in preparing the report submitted to us for consideration, as it was prepared using available sources and information, including from third parties, concerning the events in Jenin and other Palestinian cities. The report indicates that the parties involved are responsible for the events of recent months. They must assume their responsibility and respect their commitments to provide security to the civilian population without delay.

My delegation voted in favour of the resolution because it felt that it was an improvement on, and was better balanced than, earlier draft versions, including the one that was submitted originally for consideration this morning in document A/ES-10/L.10. However, my delegation reiterates its condemnation of all acts of violence and terrorism that cause death and suffering among the Israeli and Palestinian civilian populations.

Finally, we fully agree with the observations of the Secretary-General contained in paragraph 83 of his report. Once again, my delegation associates itself with the appeal of the international community that the parties urgently resume a process that will lead back to the negotiating table to achieve a just and lasting solution to the conflict, which will permit Palestinians and Israelis to coexist peacefully.

The Acting President: We have heard the last speaker in explanation of vote. I now call on the Permanent Observer of Palestine.

Mr. Al-Kidwa (Palestine) (spoke in Arabic): Allow me first to express our thanks and deep appreciation to all those who supported the important resolution just adopted by the General Assembly. I would like to place on record our thanks to those who, despite all the difficulties, undertook difficult negotiations to arrive at a broad consensus on the issue before members today.

A short time ago, the General Assembly heard an example of Israeli arrogance and perfidy, not only towards the Palestinian people — a people under

occupation — but also towards the international community as a whole, including the General Assembly, the representative of all the world's peoples. The Israeli representative cannot understand that Israel is an occupying Power like any other colonial Power throughout history. It is the only State Member of the United Nations that is considered an occupying Power. It has been colonizing our land for years. It is the only country that has not implemented or abided by any General Assembly or Security Council resolution. It is the only country that for years has not ceased to violate international humanitarian law and international law or to commit gross violations and breaches of the Fourth Geneva Convention, including war crimes and State terrorism.

Israel has killed the Palestinian people as a whole, including those who are living: it has uprooted half of them from our land and has subjected the other half to an unprecedented, heinous occupation. The problem is that the Israeli representative cannot understand that.

In any case, I shall not address the absurd comments he made a short time ago and at this morning's meeting about the positions of the Permanent Observer of Palestine and of the Palestinian leadership. We have made our positions very clear before the Assembly. We believe they are correct and that they have won the respect of the Assembly.

I would also like to refer to the fact that Israeli representatives have completely distorted the truth, including by their comments on the report of the Secretary-General. The Israeli representative said earlier that the report accused us of having committed war crimes. Such a claim is completely unfounded and untrue. Certain Israeli representatives have further distorted the report of the Secretary-General, saying, for example, that the report confirmed that no massacre was committed. That, too, is incorrect. The report did not say that.

Furthermore, the Permanent Observer of Palestine never gave a definite figure of the number of Palestinian civilians who were killed. The issue is not about numbers; it is about the way in which the killings took place, and about why and how they took place.

We have said that the report of the Secretary-General had certain shortcomings, and we have expressed our views in that respect today. However, we have also said that the report included important elements that deserve attention and should be taken into consideration. We said so very clearly, given the esteem in which we hold the Secretary-General and our respect for his past role and the part that we hope he will play in the future with regard to the Middle East crisis. We look forward to a different situation developing in the region, and we hope that the members of the international community, including those represented here, will assist us in bringing that about.

The Acting President: The tenth emergency special session of the General Assembly is now adjourned in accordance with the terms of paragraph 8 of resolution ES-10/11, adopted at the present meeting.

The meeting rose at 9 p.m.